

6-30-04

IFW RCE
B1644

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request For Continued Examination (RCE) Transmittal Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/801185-Conf. #1672
	Filing Date	March 7, 2001
	First Named Inventor	Jochen G. SALFELD
	Art Unit	1644
	Examiner Name	D. Saunders
	Attorney Docket Number	BBI-043CPUSCNRCE

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☒ Other Authorization to Act in Representative Capacity
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 12-0080
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Cristin E. Howley, Ph.D. for Elizabeth A. Hanley, Esq.	Registration No. (Attorney/Agent)	55,281 33,505
Signature		Date	June 28, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 982743280 US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 28, 2004

Signature (Cristin E. Howley, Ph.D.)

**AMENDMENT TRANSMITTAL LETTER**Docket No.
BBI-043CPUSCNRCEApplication No.
09/801185-Conf. #1672Filing Date
March 7, 2001Examiner
D. SaundersArt Unit
1644Applicant(s): Jochen G. SALFELD *et al.*Invention: HUMAN ANTIBODIES THAT BIND HUMAN TNF α **TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

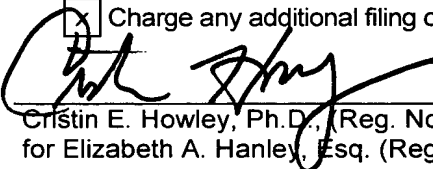
The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	87	- 114 =		x	0.00
Independent Claims	23	- 17 =	6	x 86.00	516.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Extension for response within fifth month; Request for continued examination (RCE)					2,780.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					3,296.00

☒ Large Entity☐ Small Entity☐ No additional fee is required for this amendment.☒ Please charge Deposit Account No. 12-0080 in the amount of \$ 3,296.00.

A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-0080 as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.
Cristin E. Howley, Ph.D., (Reg. No. 55,281)
for Elizabeth A. Hanley, Esq. (Reg. No. 33,505)Dated: June 28, 2004LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 982743280 US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 28, 2004

Signature: 

(Cristin E. Howley, Ph.D.)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Salfeld, J.G. *et al.*

Serial No.: 09/801,185

Filed: March 7, 2001

For: *Human Antibodies that Bind Human TNF α*

Attorney Docket No.: BBI-043CPUSCNRCE

Group Art Unit: 1644

Examiner: D. Saunders

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

Certification Under 37 CFR 1.10

Date of Deposit: June 28, 2004

Mailing Label Number: EL 982743280 US

I hereby certify that this 37 CFR 1.53(d) request and the documents referred to therein as enclosed are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Cristin E. Howley

Name of person mailing paper

Signature of person mailing paper

AMENDMENT AND RESPONSE

Dear Sir:

In response to the Office Action dated May 29, 2003, Applicant submits the following Amendment and Response. A request for the appropriate extension of time in which to respond is being filed concurrently herewith, as well as a Request for Continued Examination.

Amendments to the claims are reflected in the listing of claims which begins on page 2 of this Amendment and Response. Remarks/Arguments begin on page 23 of this paper. Please amend the above-referenced application as follows: